APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/309,274	05/11/1999	ALEXANDER I. MCALLISTER	414.028	7294

			EXAMINER
32127	7590	11/29/2006	PHAN, JOSEPH T

VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD, SUITE 500
ARLINGTON, VA 22201-2909

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/309,274	MCALLISTER, ALEXANDER I.
	Examiner	**Art Unit**	
	Joseph T. Phan	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>11 September 2006</u>.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-62</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-3,5-8,10-22,24-30,32-38 and 40-61</u> is/are rejected.
7) ☒ Claim(s) <u>4,9,23,31,39 and 62</u> is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-8, 10-22, 24-30, 32-38, and 40-61 rejected under 35

U.S.C. 102(e) as being anticipated by Beith et al., Patent #6,449,496.

Claims 1 and 32, Beith teaches a method of providing voice responses to

commands comprising the steps of receiving a first command(10 Fig.1);

associating said first command with a subscriber to be called(Fig.2B); selecting

a first processing option in response to said first command; providing a first

outgoing voice message indicative of said first processing option selected

including identification of said subscriber(320 Fig.7A and col.10 lines 25-28);

providing a silent delay period of a predetermined duration immediately

subsequent to a completion of said step of providing said first outgoing voice

message(10 Fig.1, Fig.7A, and col.10 lines 28-29); and selectively (i) initiating

alternate processing in response to a receipt of a second command input during

said silent delay period, said alternate processing selected from the set of

actions(326 and 372 Fig.7A), consisting of (a) listing information for said

subscriber (b) providing an alternate telephone number for said subscriber, (c)

receiving a message for said subscriber and (ii) initiating said first processing

option in response to an absence of said second command input for a duration

of said silent delay period to thereby initiate a call to said subscriber(324 Fig.7A,

col.3 lines 6-25, and col.9 line 60-col.10 line 41).

Regarding claims 6 and 36, Beith teaches a method and means of

telephone dialing using a voice activated dialer including a directory of

subscriber names and telephone numbers, the method comprising the steps

of selecting one of said subscribers most closely corresponding to a first

speech input, providing a speech output corresponding to the selected one of

said subscribers(Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and

col.10 lines 25-28); providing a silent delay period of a predetermined duration

immediately subsequent to a completion of said step of providing a speech

output; and, selectively (i) initiating alternate processing in response to a

receipt of a command input during said silent delay period, said alternate

processing selected from the set of actions consisting of (a) announcing one

of said telephone numbers associated with the selected one of said

subscribers, (b) providing alternate telephone number of said selected one of

said subscribers, (e) receiving a message for said selected one of said

subscribers, and (d) recording a voice mail for the selected one of said

subscribers and (ii) dialing the telephone number corresponding to the

selected one of said subscribers immediately after said delay period and in

response to an absence of said command input for a duration of said silent

delay period(Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claims 2, 3, 33, and 34 Beith teaches the method and means according to claims 1 and 32 wherein said duration of said silent delay period is in a range of 1.5 to 2.0 seconds(Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claim 5, Beith teaches the method according to claim 1 wherein said first and second commands comprises a speech input (Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claims 7, 8, 37, and 38 Beith teaches the method and means according to claims 6 and 36 wherein said duration of said silent delay period is in a range of 1.5 to 2.0 seconds (Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claims 10 and 40, Beith teaches the method and means according to claims 6 and 36 wherein said command input comprises a DTMF audio signal (Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claims 11 and 41, Beith teaches the method and means according to claims 6 and 36 wherein said command input comprises a second speech input and said method further comprises a step of listening for said second speech input(Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claims 12, 13, 42, and 43 Beith teaches the method and

means according to claims 11 and 41 wherein said second speech input

comprises one of a plurality of predetermined spoken command(Fig.7A, col.3

lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claims 14 and 44, Beith teaches the method and means

according to claim 11 and 41 wherein said step of listening includes

recognizing said second speech input to provide speech content data and

comparing said speech content data with a list of alternative processing

commands (Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10

lines 25-28).

Regarding claims 15 and 45, Beith teaches the method and means

according to claims 11 and 41 further comprising the steps of: receiving said

first speech input and recognizing a content of said first speech input; and

comparing said content with said directory (Fig.7A, col.3 lines 6-25, col.9 line

60-col.10 line 41, and col.10 lines 25-28).

Regarding claims 16 and *46,* Beith teaches the method and means according

to claims 15 and 45 wherein said command input comprises a second speech

signal and said method further comprises a step of listening for said second

speech input (Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10

lines 25-28).

Regarding claims 17 and 47, Beith teaches the method and means

according to claims 16 and *46* wherein said step of listening includes the

steps and means of receiving said second speech input and recognizing a

content of said second speech input; and comparing said content with a list of

alternative processing commands(Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claims 18, 19, 48, and *49,* Beith teaches the method and means according to claims 16 and 47 wherein said duration of said silent delay period is in a range of 1.5 to 2.0 seconds (Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claims 21 and 51, Beith teaches the method and means according to claims 16 and *36* wherein said step of providing a speech output includes retrieving audio data corresponding to said selected one of said subscribers and converting said audio data into said speech output(Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claim 22, Beith teaches the method according to claim 21 wherein said step of converting said audio data into said speech output includes decoding said audio data (Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claim *24,* Beith teaches the method according to claim *21* wherein said step *of* converting said audio data into said speech output includes a step *of* synthesizing speech from said audio *data*(Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28; audio data is synthesized).

Regarding claims *25* and *26,* Beith teaches the method according to claim *6* wherein said alternate processing includes providing a speech output corresponding to the telephone number *of* said selected one *of* said

subscribers (Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claims 27 and 28, Beith teaches the method according to claim 26 including dialing said alternate telephone number of said selected one of said subscribers and supplying a data signal corresponding to said selected one of said subscribers to a remote system, wherein said data signal represents said telephone number of said selected one of said subscribers (Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claim 29, Beith teaches a method of telephone dialing using a voice activated dialer including a directory of subscriber names and telephone numbers, the method comprising the steps of receiving a first speech input and recognizing said first speech input to provide first speech content data, selecting one of said subscribers most closely corresponding to said first speech content data and providing a speech output corresponding to the selected one of said subscribers (Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28); providing a silent delay period of a predetermined duration within a range of 1.2 to 2.3 seconds immediately subsequent to a completion of said step of providing a speech output; listening for a second speech input during said silent period; recognizing said second speech input to provide second speech content data and selectively (i) initiating alternate processing related to the selected one of said subscribers in response to said second speech content data including an alternate processing command, said alternate processing selected from the

group of actions consisting of announcing a telephone number of the selected

one of said subscribers, identifying and announcing an alternative telephone

number of the selected one of said subscribers(Fig.7A, col.3 lines 6-25, col.9

line 60-col.10 line 41, and col.10 lines 25-28); receiving a message for the

selected one of said subscribers and, otherwise, (ii) dialing the telephone

number corresponding to the selected one of said subscribers immediately

after said delay period (Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41,

and col.10 lines 25-28).

  <u>Regarding claim 30, Beith</u> teaches the method according to claim 29

wherein said predetermined duration of said silent delay period is in a range

of 1.5 to 2.0 seconds (Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and

col.10 lines 25-28).

  Regarding claim 52, Beith teaches a voice activated dialer

comprising:

  a memory storing a directory of subscriber names and telephone

numbers (Fig.1 and Fig.8), a speech recognition engine receiving a speech

input and providing content data derived from said speech input signal, a

processor responsive to said content data for selecting one of said

subscribers and an audio output providing a speech signal corresponding to

the selected one of said subscribers (Fig.7A, col.3 lines 6-25, col.9 line 60-

col.10 line 41, and col.10 lines 25-28); and a timer providing a silent delay

period of a predetermined duration immediately subsequent to a completion of

providing said speech signal wherein said processor selectively (i) initiates

alternate processing in connection with the selected one of said subscribers in response to a receipt of a command input during said silent delay period, and (ii) initiates a dialing of the telephone number corresponding to the selected one of said subscribers immediately after said delay period and in response to an absence of said command input for a duration of said silent delay period (Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claims 53 and 54, Beith teaches the voice activated dialer according to claim 52 wherein said duration of said silent delay period is in a range of 1.5 to 2.0 seconds(Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claim 55, Beith teaches a voice activated dialer comprising: a memory storing a directory of subscriber names and telephone numbers; a speech recognition engine responsive to a speech input for providing speech content data and a processor responsive to said speech content data and to a set of instructions for (i) selecting one of said subscribers most closely corresponding to first speech content data(Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28); providing a speech output corresponding to the selected one of said subscribers(Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28); providing a silent delay period of a predetermined duration within a range of 1.2 to 2.3 seconds immediately after providing said speech output (Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28);

initiating alternate processing in connection with the selected one of said

subscribers response to second speech content data including an alternate

processing command, and, otherwise, (ii) dialing the telephone number

corresponding to the selected one of said subscribers immediately after said

delay period(Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10

lines 25-28).

Regarding claim 56, Beith teaches the voice activated dialer according to

claim 55 wherein said predetermined duration of said silent delay period is in a

range of 1.5 to 2.0 seconds (Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41,

and col.10 lines 25-28).

Regarding claim 58, Beith teaches a method comprising the steps of

performing speech recognition of a first speech input to select a designated

subscriber and playing a voice message indicative of a first processing option

in connection with said designated subscriber(Fig.7A, col.3 lines 6-25, col.9 line

60-col.10 line 41, and col.10 lines 25-28);

providing a silent delay period immediately subsequent to a completion of said

playing step; and selectively identifying a second processing option specified

by a second speech input and, in response, automatically initiating said second

processing option in connection with said designated subscriber; and

automatically initiating said first processing option in connection with said

subscriber is response to an absence of said second speech input during said

silent period (Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10

lines 25-28).

Regarding claim 59, Beith teaches the method of telephone dialing

further comprising the steps of dialing a telephone number of said designated

subscriber in response to said step of automatically initiating said first

processing option; and performing said second processing in response to said

step of automatically initiating said second processing option, said second

processing selected from the group consisting of (i) providing a listing of said

designated subscriber, (ii) leaving a message for said designated subscriber,

and (iii) accepting a voice mail for said selected subscriber (Fig.7A, col.3 lines

6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claim 60, Beith teaches the method according to claim 58

further comprising a step of selectively (iii) identifying an exception command

specified by said second speech input and, in response, performing error

processing(Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines

25-28).

Regarding claim 61, Beith teaches the method according to claim 60

wherein said error processing includes the steps of prompting for a third

speech input;

performing speech recognition of said third speech input to reselect a

designated subscriber; playing a voice message indicative of said first

processing option in connection with said reselected designated

subscriber(Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28); providing a second silent delay period immediately subsequent to a completion of said playing step in connection with said reselected designated subscriber; and selectively (i) identifying a third processing option specified by a fourth speech input and, in response, automatically initiating said third processing option in connection with said reselected designated subscriber (ii) automatically initiating said first processing option in connection with said reselected designated subscriber is response to an absence of said fourth speech input during said second silent period(Fig.7A, col.3 lines 6-25, col.9 line 60-col.10 line 41, and col.10 lines 25-28).

Regarding claims 20, 35, 50, and 57, Beith discloses the method and means according to claims 1, 6, 29, 32, 36, 52, and 55 further comprising the steps of: pseudorandomly selecting one of a group of content equivalent messages; and playing the selected message to provide a spoken prompt(Fig.7A); and wherein said duration of said silent delay period is 1.8 seconds(10 Fig.1 and col.10 lines 25-29; 1.8 is e.g. 2.0 seconds as Beith discloses; to overcome applicant should show why 1.7 or 1.9 seconds is not sufficient).

Allowable Subject Matter

2.   Claims 4,9, 23, 31, 39, and 62 objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form

including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-62 have been considered

but are moot in view of the new ground(s) of rejection.
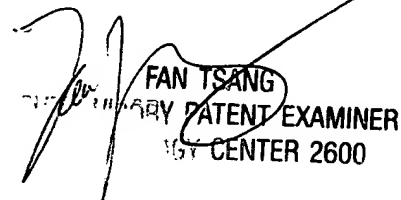
Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joseph T. Phan whose telephone number is

(571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

    If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

JTP
November 27, 2006

FAN TSANG
PRIMARY PATENT EXAMINER
TC CENTER 2600